IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.1012 OF 2005
WITH
CRIMINAL W.P.NO.1013 OF 2005

Pratap Bulakidas Patel
and Anrs. ..Petitioners

Vs.

The State of Maharashtra
& Ors. ..Respondents

...

Nitin R.Gandhi Advocate for Petitioners
Rajesh More A.P.P. for the State
in 1012 of 2005
B.H.Mehta A.P.P. for the State
in 1013 of 2005
Respondent no.2 is present in person

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the petitioners, respondent no.2-original complainant who is present in person and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process

issued by the learned Spl.Metropolitan Magistrate, 22nd Court, Andheri at Mumbai in Case Nos.122/S/2003 and 341/S/2003. In the said cases process was issued against the petitioners under Sections 420 and other Sections of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the date before the trial Court is 29.10.2005. In view of this

statement, the trial court shall not proceed with the trial on 29.10.2005 and till 24.11.2005.

. The respondent no.2 fairly states that the revision will be argued on merits.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]